

EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.*, *

Plaintiffs, *

v. * Civil Case No. 16-cv-3311-ELH

LAWRENCE HOGAN, *et al.* *

Defendants. *

* * * * *

DECLARATION OF DONALD PICKLE

I, First Sergeant Donald Pickle, under penalty of perjury, declare and state:

1. I am a First Sergeant in the Maryland State Police (“MSP”). I am more than 18 years of age and am competent to testify, upon personal knowledge, to the matters stated below.

2. I have been employed as a sworn officer by MSP since January 2000. During those 18 years, I served in a variety of State Police units, including Field Operations (Golden Ring Barracks), Aviation Command (Baltimore and Centreville Sections) and Licensing Division.

3. I have been employed as a sworn officer in MSP’s Licensing Division since October 2012, and have held the following positions within the Licensing Division: Firearms Registration Unit background investigator, Firearms Registration Unit Supervisor and Assistant Commander – Firearms Services.

4. Since April 2018, I have served as an Assistant Commander of MSP's Licensing Division. In this capacity, I am involved in the day-to-day operations of the HQL Unit, Firearms Registration Unit, and Handgun Permits Unit.

5. Through my work in the Licensing Division, I am familiar with the reporting from the Department of Public Safety and Correctional Services ("DPSCS") to MSP of an HQL applicant's or licensee's criminal history record information obtained after the date of the initial criminal history records check, based on the fingerprint records warehoused by DPSCS.

6. This reporting by DPSCS to MSP is mandated by the Firearm Safety Act of 2013, set forth in § 5-117.1(f)(7) of the Public Safety Article, which requires that DPSCS provide MSP with an HQL applicant's or licensee's criminal history record information obtained after the date of the initial criminal history records check.

7. Up through early October 2018, this mandatory reporting was accomplished through a weekly report, sent by DPSCS to MSP, that contained HQL applicants' or licensees' subsequent arrest information based on fingerprint matches.

8. Licensing Division personnel would then track those arrests in a regularly-kept log through the disposition of any criminal proceeding, and would revoke the HQL of any licensee convicted of an offense that rendered him or her ineligible for an HQL.

9. In or around the first week of October 2018, DPSCS, working with me and other Licensing Division personnel, created a more refined reporting system, such that

DPSCS transmits a daily notification of convictions that renders a licensee ineligible for an HQL.


10. Other than the mandatory reporting set forth in § 5-117.1(f)(7) of the Public Safety Article, there is no other statute or regulation of which I am aware that mandates the reporting of criminal history record information obtained after the date of an initial criminal history background check to MSP or any other law enforcement agency. Nor am I aware of any state or local policies or procedures that require such reporting.

11. I am aware that the plaintiffs in this litigation have claimed that “the fingerprint requirement is unnecessary for Defendants to locate and disarm handgun owners who are subsequently disqualified from handgun ownership because the 77R Handgun Registration process provided this ability.” This statement is not accurate.

12. While it is true that MSP was able to locate and disarm handgun owners prior to the fingerprint requirement when MSP was notified that the individual was subsequently disqualified from handgun ownership, I am unaware of any systematic or routine reporting of this information from any law enforcement agency, court system, or other criminal justice agency prior to enactment of the Firearm Safety Act and the HQL fingerprint requirement.

I declare and affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: 10/31/18


First Sergeant Donald Pickle
Maryland State Police